IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL WRIT PETITION NO.289 OF 2005

Vijay Pandurang Palaskar .... Petitioner
Vs.
The State of Maharashtra
& others .... Respondents

Shri Abhaykumar Apte for the Petitioner.

Shri D.S. Mhaispurkar, A.P.P., for the Respondents.

CORAM: R.M.S. KHANDEPARKAR &
P.V. KAKADE, JJ.

DATED: FEBRUARY 25, 2005

P.C:

Heard. The application for furlough leave has been rejected merely because the surety which was sought to be furnished by the petitioner is his wife. Only reason for such rejection appears to be that there is apprehension in the mind of the police authorities that the wife may not be able to control the petitioner once he is in the village. At the same time, undisputedly, the jail report disclose good conduct on the part of the petitioner and the jail authorities have even recommended the grant of furlough. It is only on the police report on the allegation of apprehension that the furlough leave has been rejected. We do not find any justifiable reason for rejection of the furlough leave.

Once the conduct of the petitioner in the jail has been disclosed to be good, there is no justification for the alleged apprehension on the part of the police authorities. The impugned order rejecting the furlough leave is, therefore, set aside and the matter is remanded to the concerned authorities to reconsider the petitioner's application in accordance with the provisions of law, bearing in mind the observations made hereinabove. The authorities shall decide the application within a period of four weeks. The petition accordingly stands disposed of.

(R.M.S. Khandeparkar, J.)

(P.V. Kakade, J.)